IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 8389 of 2004

Between:
Sarikonda Ramakrishnam Raju, S/o. Matam Raju.
R/o. Miryalgunda, Nalgonda.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Hayathnagar Mandal, R.R.Dist.,.
2 The District Collector, R.R.District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 1st respondent in taking steps for eviction of the petitioner from an extent of 2000 sq. yards in survey No. 278/1, beaing plot No. 9 & 10 in Kuntloor Village, Hayathnagar Mandal, R.R.Dist., without following due procedure described under law as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and direct the respondent to forbear from taking any steps for eviction of the petitioner from the above said land and pass

For the Petitioner:MR.P.VEERA REDDY

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

ORDER:

This writ petition is filed praying for a direction to the respondents not to take any coercive steps for evicting the petitioner and not to interfere with his possession over the land in Sy.No.278/1, bearing Plot Nos.9 and 10 of Kuntloor village, Hayathnagar Mandal, Ranga Reddy District, in an extent of 2000 sq.yards.

The petitioner states that he purchased the said land from Sri J.Ankaiah and his four sons through a registered sale deed dated 30-9-1994 and since then he has been in possession and enjoyment of the same. The revenue records such as adangal and pahani patrika reflect the names of his vendors as pattadars. The main grievance of the petitioner is that the 1st respondent – M.R.O and his subordinate officials, without issuing any notice and without following the due procedure prescribed under the law, are trying to evict the petitioner from the said land on the ground that it belongs to Bhoodan Yagna Board, claiming title to it by way of gift from one landlord Pulusani Ram Reddy.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and both the counsel requested to dispose of the writ petition itself at the stage of admission.

The learned counsel for the petitioner submits that the 1st respondent is trying to evict the petitioner from the land in question without issuing any show cause notice and without following the due process of law.

The learned Government Pleader for Revenue submits that the petitioner will be given an opportunity of hearing and steps will be taken after following the due process of law.

In view of the above submissions, this writ petition is disposed of with the following directions:

The 1st respondent is directed not to take any coercive steps to evict the petitioner from the land in question without following the due procedure under law. Before seeking to evict the petitioner, 1st respondent shall give notice and opportunity of hearing after considering his objections that may be filed by the petitioner, pass appropriate orders, and take action in accordance therewith. No costs.

ASSISTANT
REGISTRAR

//True copy//

SECTION OFFICER

14-6-2004/asp

To:
1 The Mandal Revenue Officer, Hayathnagar Mandal, R.R.Dist.,.
2 The District Collector, R.R. District.
3. 2 C.Cs. to G.P. for Revenue, High Court buildings, (O.U.T)
4. 2 C.Ds.
5.One spare copy